

shall not attend, and the court may fine such witness for non-attendance, as in other cases; and every witness shall have the same allowance for his attendance and itinerant charges, as on subpœnas out of the general court, and may compel the party at whose request he is summoned to pay him the same, either by attachment from the court out of which the subpœnas issue, or by warrant, before a justice of the peace, if under five pounds current money; and the chancellor may compel the person against whom he shall determine on the caveat, to pay all the expenses of issuing any subpœnas, and of the witnesses; and the chancellor may, by rule, direct any deposition to be taken and received as evidence before him, on the hearing any caveat, provided reasonable notice in such order be given to the other party.

By 1797, ch. 114, the chancellor has power, (as in the court of chancery,) at his discretion, to award costs to the party prevailing on the decision of any caveat in the land office.

CHAPTER 40.

AN ACT relating to the Fines to be imposed on jurymen, witnesses, and constables.

Be it enacted, by the General Assembly of Maryland, That Fine on jurors, &c. in all cases in which jurors or witnesses shall be summoned to appear at the general court, and shall, without sufficient excuse, neglect to appear, the general court may fine every such delinquent not exceeding thirty-five pounds current money; and whenever any jurors or witnesses shall be summoned to attend any county court, and shall, without sufficient excuse, neglect to appear, every such delinquent may be fined by the said court not exceeding twenty pounds current money.

SEC. 2. *And be it enacted, That* whenever any person shall be appointed a constable by any court, and shall neglect to act according to such appointment, and shall not, within five days after notice of such appointment, qualify as constable, or within that time find a sufficient and proper person to qualify and act in his stead, he shall be fined by the said court not exceeding ten pounds current money. On constables, &c.

Levy courts now appoint constables, by 1794, ch. 53, sec. 8.

CHAPTER 42.

AN ACT relating to forfeited recognizances, fines and forfeitures, and judgments in treason.

Be it enacted, by the General Assembly of Maryland, That the governor, with the advice of the council, may remit the whole or any part of any recognizance which hath been or may hereafter be forfeited, provided the case of the person be stated in writing by the court before whom such recognizance hath Governor &c. may remit recognizances &c.